

REFERENCE TITLE: uniform firearms transfer compact

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2524

Introduced by
Representatives Thorpe, Montenegro: Borrelli, Bowers, Boyer, Finchem,
Lawrence, Mesnard, Mitchell, Olson, Rivero, Shope, Senators Burges,
Kavanagh, Lesko, Smith

AN ACT

AMENDING TITLE 13, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 31.1; RELATING
TO FIREARM TRANSFERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, Arizona Revised Statutes, is amended by adding
3 chapter 31.1, to read:

4 CHAPTER 31.1

5 UNIFORM FIREARMS TRANSFER COMPACT

6 13-3161. Adoption of compact: text of compact

7 THE STATE OF ARIZONA ENACTS, ADOPTS AND AGREES TO BE BOUND BY THE
8 FOLLOWING COMPACT:

9 ARTICLE I

10 FINDINGS AND DECLARATION OF POLICY

11 WHEREAS 4 UNITED STATES CODE SECTION 112 GIVES CONGRESSIONAL CONSENT
12 "TO ANY TWO OR MORE STATES TO ENTER INTO AGREEMENTS OR COMPACTS FOR
13 COOPERATIVE EFFORT AND MUTUAL ASSISTANCE IN THE PREVENTION OF CRIME AND IN
14 THE ENFORCEMENT OF THEIR RESPECTIVE CRIMINAL LAWS AND POLICIES, AND TO
15 ESTABLISH SUCH AGENCIES, JOINT OR OTHERWISE, AS THEY MAY DEEM DESIRABLE FOR
16 MAKING EFFECTIVE SUCH AGREEMENTS AND COMPACTS."

17 WHEREAS EVERY STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT,
18 EACH OF WHICH HAVE OR MAY ENACT RECIPROCAL RECOGNITION OF REGULATIONS
19 AFFECTING FIREARMS TRANSFERS, FINDS THAT MAINTAINING UNIFORMITY IN FIREARMS
20 TRANSFER LAWS AS PROVIDED HEREIN ADVANCES THEIR MUTUAL SOVEREIGN INTERESTS IN
21 PROTECTING THE REASONABLE EXPECTATIONS OF THEIR RESPECTIVE CITIZENS AND LAW
22 ENFORCEMENT COMMUNITY;

23 WHEREAS EVERY STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT
24 PROMISES AND AGREES TO MAINTAIN RELIABLY UNIFORM FIREARMS TRANSFER LAWS AS
25 HEREIN PROVIDED TO ENSURE UNIFORMITY IN PUBLIC POLICY IN ORDER TO PROMOTE A
26 BETTER PUBLIC UNDERSTANDING OF THE LAW WHEN THEIR CITIZENS TRAVEL OR
27 ESTABLISH RESIDENCES OR DOMICILES AMONG MEMBER STATES, TO GOVERN, COORDINATE,
28 AND GUIDE CIVIL AND CRIMINAL LAW ENFORCEMENT PERSONNEL WHEN INTERACTING WITH
29 SUCH CITIZENS, AND TO AVOID UNDESIRABLE STATE BURDENS ON INTERSTATE COMMERCE
30 IN FIREARMS;

31 NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL PROMISES AND
32 OBLIGATIONS EXPRESSED IN THIS COMPACT, BE IT ENACTED BY EVERY STATE ENACTING,
33 ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT, THEIR AGREEMENT TO
34 EXERCISE HERewith ALL OF THEIR RESPECTIVE POWERS AS SET FORTH HEREIN
35 NOTWITHSTANDING ANY LAW, REGULATION OR POLICY TO THE CONTRARY.

36 ARTICLE II

37 DEFINITIONS

38 AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY INDICATES
39 OTHERWISE:

40 SECTION 1. "COMPACT" MEANS THE "UNIFORM FIREARMS TRANSFER COMPACT."

41 SECTION 2. "STATE" MEANS ONE OF THE SEVERAL STATES OF THE UNITED
42 STATES. THE TERM "STATE" SHALL BE CONSTRUED TO INCLUDE ALL OF ITS BRANCHES,
43 DEPARTMENTS, AGENCIES, INSTRUMENTALITIES, POLITICAL SUBDIVISIONS, AND
44 OFFICERS, EMPLOYEES AND REPRESENTATIVES ACTING IN THEIR OFFICIAL CAPACITY.

1 SECTION 3. "MEMBER STATE" MEANS A STATE THAT HAS PASSED LEGISLATION
2 THAT ENACTS, ADOPTS AND AGREES TO BE BOUND TO THIS COMPACT. FOR ANY STATE TO
3 QUALIFY AS A MEMBER STATE WITH RESPECT TO ANY OTHER STATE UNDER THIS COMPACT,
4 EACH SUCH STATE MUST HAVE ENACTED, ADOPTED AND AGREED TO BE BOUND BY
5 SUBSTANTIVELY IDENTICAL LEGISLATION ENACTING, ADOPTING AND AGREING TO BE
6 BOUND BY THIS COMPACT. LEGISLATION ENACTING, ADOPTING AND AGREING TO BE
7 BOUND BY THE COMPACT SHALL BE DEEMED SUBSTANTIVELY IDENTICAL NOTWITHSTANDING
8 THE INCLUSION OF A SECTION IN SUCH LEGISLATION ENTITLED "ADDENDUM TO
9 COMPACT," WHICH SPECIFIES LAWS, REGULATIONS, AND POLICIES, AND RELATED
10 PROSECUTIONS OR ADMINISTRATIVE OR ENFORCEMENT ACTIONS, EXISTING OR PENDING ON
11 THE ENACTMENT DATE OF SUCH LEGISLATION IN THE RESPECTIVE ENACTING STATE THAT
12 ARE EXCLUDED FROM THE SCOPE OF SECTION 1 OF ARTICLE IV OF THIS COMPACT AS
13 PROVIDED BY SECTION 2 OF ARTICLE IV OF THIS COMPACT, PROVIDED THAT SUCH
14 LEGISLATION IS OTHERWISE IDENTICAL IN ALL OPERATIVE TERMS.

15 SECTION 4. "NOTICE" ALL NOTICES REQUIRED BY THIS COMPACT SHALL BE BY
16 UNITED STATES CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN EQUIVALENT OR
17 SUPERIOR FORM OF NOTICE, SUCH AS PERSONAL DELIVERY DOCUMENTED BY EVIDENCE OF
18 ACTUAL RECEIPT.

19 SECTION 5. "FEDERAL LAW" EXCLUSIVELY MEANS DULY ENACTED,
20 CONSTITUTIONAL FEDERAL STATUTES AND LAWFULLY AND CONSTITUTIONALLY PROMULGATED
21 REGULATIONS PROMULGATED IN CONFORMITY WITH THE ADMINISTRATIVE PROCEDURE ACT,
22 AS AMENDED.

23 ARTICLE III

24 COMPACT MEMBERSHIP AND WITHDRAWAL

25 SECTION 1. BY BECOMING A MEMBER STATE, EACH SUCH STATE OFFERS TO
26 PERFORM AND COMPLY STRICTLY IN ACCORDANCE WITH THIS COMPACT'S TERMS AND
27 CONDITIONS, AND HAS MADE SUCH OFFER IN ANTICIPATION AND CONSIDERATION OF, AND
28 IN SUBSTANTIAL RELIANCE UPON, SUCH MUTUAL AND RECIPROCAL PERFORMANCE AND
29 COMPLIANCE BY EACH OTHER MEMBER STATE, IF ANY. SUCH OFFER SHALL BE DEEMED
30 ACCEPTED AND ENTRY INTO THIS COMPACT COMPLETE UPON THE RECEIPT OF NOTICE OF
31 THE ATTAINMENT OF MEMBER STATE STATUS BY EACH OTHER MEMBER STATE'S GOVERNOR
32 OR OTHER ACTING CHIEF EXECUTIVE OFFICER, IF ANY. UPON SUCH ENTRY, THIS
33 COMPACT AND EACH OF ITS ARTICLES SHALL BE CONSTRUED AND ENFORCED AS A SOLEMN
34 SOVEREIGN AGREEMENT LEGALLY AND CONTRACTUALLY BINDING ON EACH MEMBER STATE.

35 SECTION 2. AFTER THIS COMPACT BECOMES LEGALLY AND CONTRACTUALLY
36 BINDING ON A MEMBER STATE, THAT MEMBER STATE RESERVES THE RIGHT TO WITHDRAW
37 FROM OR PROPOSE AMENDMENTS TO THIS COMPACT: (a) DURING EVERY TENTH YEAR
38 AFTER THE FIRST STATE PASSES LEGISLATION ENACTING, ADOPTING AND AGREING TO
39 BE BOUND TO THIS COMPACT; (b) DURING A SPECIAL SESSION OF THAT MEMBER
40 STATE'S LEGISLATURE CALLED SPECIFICALLY FOR THE PURPOSE OF INTRODUCING
41 LEGISLATION ALLOWING FOR WITHDRAWAL FROM OR PROPOSING AMENDMENTS TO THIS
42 COMPACT, PROVIDED THAT WRITTEN NOTICE OF THE CALL OF SUCH SPECIAL SESSION IS
43 GIVEN TO EACH OTHER MEMBER STATE AT LEAST THIRTY (30) DAYS BEFORE THE SESSION
44 CONVENES; OR (c) UPON UNANIMOUS CONSENT OF EACH OTHER MEMBER STATE GIVEN IN
45 WRITING BY SUCH MEMBER STATE'S RESPECTIVE GOVERNOR OR OTHER ACTING CHIEF

1 EXECUTIVE OFFICER. ANY PROPOSED AMENDMENT TO THIS COMPACT AUTHORIZED BY THIS
2 SECTION SHALL ONLY BE EFFECTIVE IF AND WHEN LEGISLATIVELY ADOPTED BY A
3 TWO-THIRDS MAJORITY OF MEMBER STATES WITHIN THREE (3) YEARS OF THE FIRST
4 ENACTMENT OF LEGISLATION PROPOSING THE AMENDMENT, WITH THE MINORITY OF
5 NONADOPTING MEMBER STATES DEEMED TO HAVE THEN-WITHDRAWN FROM THE COMPACT
6 UNLESS THE AMENDMENT ONLY AFFECTS THE MEMBER STATES THAT HAVE ADOPTED THE
7 AMENDMENT. HOWEVER, A MEMBER STATE MAY AT ANY TIME REPEAL ANY OR ALL
8 PROVISIONS OF AN "ADDENDUM TO COMPACT", FOR WHICH IT IS RESPONSIBLE, AS
9 CONTEMPLATED IN SECTION 2 OF ARTICLE IV OF THIS COMPACT, AS WELL AS ANY LAW,
10 REGULATION OR POLICY SPECIFIED THEREIN, THAT IS INCLUDED AS A SECTION WITHIN
11 ITS RESPECTIVE LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND BY
12 THIS COMPACT; WITH THE REMAINDER OF THE COMPACT REMAINING IN FULL FORCE AND
13 EFFECT.

14 SECTION 3. A WITHDRAWAL, OR AMENDMENT INTENDED TO AFFECT ONLY A
15 PARTICULAR MEMBER STATE, SHALL NOT AFFECT THE VALIDITY OR APPLICABILITY OF
16 THE COMPACT WITH RESPECT TO REMAINING MEMBER STATES, PROVIDED THAT THERE
17 REMAIN AT LEAST TWO SUCH STATES.

18 ARTICLE IV
19 UNIFORMITY REQUIREMENT

20 SECTION 1. EXCEPT AS EXPRESSLY PROVIDED IN SECTION 2 OF THIS ARTICLE,
21 EACH MEMBER STATE SHALL NOT: (a) CREATE, IMPOSE OR ENFORCE ANY FEE, TAX,
22 PENALTY, MANDATE OR REGULATION GOVERNING, PUNISHING, RESTRICTING,
23 CONDITIONING OR OTHERWISE BURDENING IN ANY RESPECT OR AT ANY TIME THE
24 TRANSFER OF FIREARMS BY ANY PERSON, IF SUCH FEE, TAX, PENALTY, MANDATE OR
25 REGULATION WOULD BE IN ADDITION TO ANY SUCH FEE, TAX, PENALTY, MANDATE OR
26 REGULATION IMPOSED BY FEDERAL LAW; OR (b) CREATE, IMPOSE OR ENFORCE ANY
27 CRIMINAL OR CIVIL LIABILITY NOT CREATED OR IMPOSED UNDER FEDERAL LAW IN
28 CONNECTION WITH THE TRANSFER OF FIREARMS BY ANY PERSON.

29 SECTION 2. SECTION 1 OF THIS ARTICLE SHALL NOT APPLY TO: (a) THE
30 CREATION, IMPOSITION OR ENFORCEMENT OF A FEE, TAX, PENALTY, MANDATE,
31 REGULATION, OR CRIMINAL OR CIVIL LIABILITY, OR RELATED PROSECUTION OR
32 ADMINISTRATIVE OR ENFORCEMENT ACTION, WHERE THE TRANSFER OF FIREARMS IS AN
33 ELEMENT OF A CRIMINAL OR CIVIL CAUSE OF ACTION INVOLVING VIOLENCE, THE
34 VIOLATION OF PROPERTY RIGHTS, ATTEMPTED OR THREATENED VIOLENCE OR THE
35 VIOLATION OF PROPERTY RIGHTS, CONTROLLED SUBSTANCES, ACTUAL FRAUD, BREACH OF
36 CONTRACT, OR INTENTIONAL OR NEGLIGENT MISCONDUCT ACTUALLY CAUSING OR
37 IMMINENTLY THREATENING PERSONAL OR ECONOMIC INJURY; OR (b) ANY LAW,
38 REGULATION OR POLICY, OR RELATED PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT
39 ACTION THAT IS SPECIFIED BY A MEMBER STATE IN A SECTION ENTITLED "ADDENDUM TO
40 COMPACT" AND INCLUDED WITHIN ITS RESPECTIVE LEGISLATION ENACTING, ADOPTING
41 AND AGREEING TO BE BOUND BY THIS COMPACT, PROVIDED THAT THE SPECIFIED LAW,
42 REGULATION OR POLICY IS EXISTING AND EFFECTIVE, OR THE PROSECUTION OR
43 ADMINISTRATIVE OR ENFORCEMENT IS PENDING, IN THE MEMBER STATE ON THE
44 ENACTMENT DATE OF ITS LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND
45 TO THIS COMPACT. SAID ADDENDUM TO COMPACT, IF ANY, SHALL BE REGARDED AS PART

1 OF THIS COMPACT WITH RESPECT TO THE RESPECTIVELY ENACTING MEMBER STATE, AND,
2 EXCEPT AS IT QUALIFIES SECTION 1 OF THIS ARTICLE, SHALL OTHERWISE BE
3 CONSTRUED AS SUBJECT TO THE COMPACT'S TERMS.

4 SECTION 3. UNREBUTTED PRIMA FACIE EVIDENCE THAT A LAW, REGULATION OR
5 POLICY, OR RELATED PROSECUTION, OR ADMINISTRATIVE OR ENFORCEMENT ACTION,
6 VIOLATES SECTION 1 OF THIS ARTICLE SHALL BE A COMPLETE DEFENSE IN ALL MEMBER
7 STATES TO ANY CIVIL OR CRIMINAL PROCEEDING AGAINST ANY PERSON IN RELATION TO
8 THE TRANSFER OF A FIREARM TO THE EXTENT THAT THE PROCEEDING ARISES FROM THE
9 AUTHORITY OF SUCH LAW, REGULATION OR POLICY. ANY PARTY PREVAILING IN THE
10 DEFENSE AFFORDED BY THIS SECTION SHALL BE ENTITLED TO RECOVER IN THE SAME
11 PROCEEDING ALL LEGAL EXPENSES, INCLUDING REASONABLE ATTORNEY FEES, FROM ANY
12 PARTY SEEKING TO ENFORCE ANY SUCH CONFLICTING LAW, REGULATION OR POLICY.

13 SECTION 4. INTENDED THIRD PARTY BENEFICIARIES. INTENDED THIRD PARTY
14 BENEFICIARIES OF THIS COMPACT, WHO ARE HEREBY GRANTED A VESTED RIGHT TO THE
15 STRICT PERFORMANCE THEREOF BY MEMBER STATES, INCLUDE, BUT ARE NOT LIMITED TO,
16 RESIDENTS OF MEMBER STATES WHO: (a) ENJOY THE RIGHT TO KEEP AND BEAR ARMS
17 FOR SELF-DEFENSE, DEFENSE OF HOME, OR DEFENSE OF COMMUNITY UNDER STATE OR
18 FEDERAL LAW OR THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED STATES
19 CONSTITUTION; (b) ENJOY A PROTECTED PROPERTY INTEREST IN ANY FIREARM UNDER
20 STATE OR FEDERAL LAW OR THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED
21 STATES CONSTITUTION; (c) ENJOY A PROTECTED CONTRACTUAL INTEREST IN THE
22 TRANSFER OF ANY FIREARM UNDER STATE OR FEDERAL LAW OR THEIR RESPECTIVE STATE
23 CONSTITUTION OR THE UNITED STATES CONSTITUTION; (d) ENJOY A PROTECTED
24 LIBERTY INTEREST IN THE TRANSFER OF ANY FIREARM UNDER STATE OR FEDERAL LAW OR
25 THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED STATES CONSTITUTION; OR
26 (e) QUALIFY FOR THE DEFENSE AFFORDED BY SECTION 3 OF THIS ARTICLE.

27 ARTICLE V

28 CONSTRUCTION, ENFORCEMENT, VENUE AND SEVERABILITY

29 SECTION 1. ANY LAW, REGULATION OR POLICY EXISTING ON THE EFFECTIVE
30 DATE OF THIS COMPACT, WHICH IS IN CONFLICT WITH THIS COMPACT, SHALL HEREBY BE
31 REPEALED AND HELD FOR NAUGHT TO THE EXTENT OF SUCH CONFLICT. HOWEVER,
32 NOTHING IN THIS COMPACT IS INTENDED TO SUPERSEDE FEDERAL LAW EXCEPT AS MAY BE
33 AUTHORIZED BY THE PROVISIONS OF 4 UNITED STATES CODE SECTION 112.

34 SECTION 2. ANY VIOLATION OF ARTICLE IV OF THIS COMPACT, WHETHER BY
35 STATE CONSTITUTIONAL AMENDMENT, LEGISLATIVE ACT, POPULAR INITIATIVE, OR
36 ADMINISTRATIVE ACT, OR RELATED PROSECUTION, ADMINISTRATIVE OR ENFORCEMENT
37 ACTION, IS A MATERIAL BREACH OF THIS COMPACT. ANY BREACH OF THIS COMPACT BY
38 ANY MEMBER STATE, WHETHER BY STATE CONSTITUTIONAL AMENDMENT, LEGISLATIVE ACT,
39 POPULAR INITIATIVE, OR ADMINISTRATIVE ACT, OR RELATED PROSECUTION,
40 ADMINISTRATIVE OR ENFORCEMENT ACTION, SHALL BE REGARDED BY ALL MEMBER STATES
41 AS A SUBSTANTIAL IMPAIRMENT OF THE OBLIGATION OF A SOLEMN CONTRACT BETWEEN
42 SOVEREIGNS, AND AS AN ULTRA VIRES AND VOID VIOLATION OF UNITED STATES
43 CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1. FURTHER, ANY SUCH BREACH BY
44 VIRTUE OF ANY MEMBER STATE'S CRIMINAL INVESTIGATIONS, PROSECUTIONS OR
45 ADJUDICATIONS SHALL BE REGARDED BY ALL MEMBER STATES AS AN ULTRA VIRES AND

1 VOID VIOLATION OF UNITED STATES CONSTITUTION, ARTICLE VI, CLAUSE 2, DUE TO
2 THE EXISTENCE OF ADVANCE STATUTORY CONGRESSIONAL CONSENT UNDER 4 UNITED
3 STATES CODE SECTION 112 FOR THE CRIMINAL LAW ENFORCEMENT COORDINATION
4 REQUIRED BY THIS COMPACT.

5 SECTION 3. ANY MEMBER STATE RESIDENT, WHO IS AN INTENDED THIRD PARTY
6 BENEFICIARY OF THIS COMPACT, SHALL HAVE STANDING IN THE COURTS OF ANY MEMBER
7 STATE TO SEEK DECLARATORY, INJUNCTIVE OR OTHER APPROPRIATE RELIEF TO ENFORCE
8 THIS COMPACT AS A DULY AUTHORIZED AGENT OF THE MEMBER STATE OF HIS OR HER
9 RESIDENCY PROVIDED THAT THE FOLLOWING CONDITIONS ARE FIRST MET: (a) SUCH
10 RESIDENT SHALL GIVE REASONABLE NOTICE OF THE ALLEGED NONCOMPLIANCE WITH THIS
11 COMPACT TO THE ENTITY DIRECTLY RESPONSIBLE FOR SUCH NONCOMPLIANCE AND ALSO TO
12 THE ATTORNEY GENERAL OR OTHER CHIEF LAW ENFORCEMENT OFFICER, IF ANY, OF THE
13 MEMBER STATE IN WHICH SUCH ENTITY IS DOMICILED, WITHIN SIXTY (60) DAYS OF
14 SAID RESIDENT'S ACTUAL DISCOVERY OF THE FIRST INSTANCE OF NONCOMPLIANCE;
15 (b) THE AFORESAID RESPONSIBLE ENTITY FAILS TO CURE SUCH NONCOMPLIANCE WITHIN
16 THIRTY (30) DAYS OF SUCH NOTICE; AND (c) THE ATTORNEY GENERAL OR OTHER CHIEF
17 LAW ENFORCEMENT OFFICER, IF ANY, OF THE MEMBER STATE IN WHICH SUCH ENTITY IS
18 DOMICILED SHALL FAIL TO ENFORCE THIS COMPACT BY FILING AN APPROPRIATE ACTION,
19 AS NECESSARY TO ENSURE COMPLIANCE WITHIN SIXTY (60) DAYS OF THE EXPIRATION OF
20 SUCH CURE PERIOD.

21 SECTION 4. THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
22 EFFECTUATE ITS PURPOSES. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS
23 COMPACT OR ANY OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF
24 LOCAL LEGISLATIVE RULES, LEGISLATIVE DRAFTING POLICIES OR STATUTES, OR
25 PARLIAMENTARY PROCEDURE TO BE EFFECTIVE, THE ENACTMENT OF LEGISLATION
26 ENACTING, ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT SHALL BE DEEMED
27 TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE AMEND AND CONFORM ALL SUCH RULES,
28 POLICIES, STATUTES OR PROCEDURES TO ALLOW FOR THE EFFECTIVENESS OF ALL
29 PROVISIONS OF THIS COMPACT ACCORDING TO THEIR TERMS AND CONDITIONS TO THE
30 FULLEST EXTENT PERMITTED BY THE CONSTITUTION OF ANY AFFECTED MEMBER STATE,
31 CONSISTENT WITH THE PROHIBITION ON STATES IMPAIRING THE OBLIGATION OF
32 CONTRACT UNDER UNITED STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1.
33 IN THE EVENT THAT THE PURPOSES OF THIS COMPACT CANNOT BE FULFILLED DUE TO
34 DEFECTS IN FORM OR STYLE, EACH AFFECTED MEMBER STATE SHALL TAKE ALL
35 REASONABLE STEPS, BOTH LEGISLATIVE OR OTHERWISE, THAT WILL REMEDY SUCH
36 DEFECTS AND ENSURE THAT THE PURPOSES OF THIS COMPACT ARE NOT FRUSTRATED BY
37 FORMAL OR STYLISTIC DEFECTS. HOWEVER, THE DEFINITIONS SPECIFIED IN THIS
38 COMPACT SHALL GOVERN THIS COMPACT UNLESS THE CONTEXT CLEARLY AND
39 UNEQUIVOCALLY INDICATES OTHERWISE.

40 SECTION 5. IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS
41 COMPACT, OR THE APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF
42 THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE, IS DECLARED
43 IN A FINAL JUDGMENT TO BE CONTRARY TO THE UNITED STATES CONSTITUTION,
44 CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE, SUBJECT TO THE
45 PROHIBITION ON STATES IMPAIRING THE OBLIGATION OF CONTRACT UNDER UNITED

1 STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1, OR IS OTHERWISE HELD
2 INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH PHRASE, CLAUSE, SENTENCE
3 OR PROVISION SHALL BE SEVERED AND HELD FOR NAUGHT, AND THE VALIDITY OF THE
4 REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE REMAINDER OF THIS
5 COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE
6 AFFECTED. FURTHERMORE, IF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A
7 COURT OF COMPETENT JURISDICTION TO BE ENTIRELY CONTRARY TO THE STATE
8 CONSTITUTION OF ANY MEMBER STATE, SUBJECT TO THE PROHIBITION ON STATES
9 IMPAIRING THE OBLIGATION OF CONTRACT UNDER UNITED STATES CONSTITUTION,
10 ARTICLE I, SECTION 10, CLAUSE 1, OR OTHERWISE ENTIRELY INVALID AS TO ANY
11 MEMBER STATE, SUCH MEMBER STATE SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE
12 COMPACT, AND THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO ANY
13 REMAINING MEMBER STATE. FINALLY, IF THIS COMPACT OR ANY AMENDMENT THERETO IS
14 DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE
15 WHOLLY OR SUBSTANTIALLY IN VIOLATION OF ARTICLE I, SECTION 10, OF THE UNITED
16 STATES CONSTITUTION, THEN IT SHALL BE CONSTRUED AND ENFORCED SOLELY AS
17 RECIPROCAL LEGISLATION ENACTED BY THE AFFECTED MEMBER STATE(S).

18 SECTION 6. THROUGH THE PASSAGE OF SUBSTANTIVELY IDENTICAL LEGISLATION,
19 A SIMPLE MAJORITY OF THE MEMBER STATES MAY ORGANIZE AN INTERSTATE ALTERNATIVE
20 DISPUTE RESOLUTION COMMISSION WITH BINDING AND/OR NONBINDING AUTHORITY TO
21 MEDIATE AND/OR SETTLE ANY DISPUTE, CLAIM OR CAUSE OF ACTION ARISING BETWEEN
22 AND/OR AMONG THE MEMBER STATES AND/OR THIRD PARTY BENEFICIARIES REGARDING THE
23 INTERPRETATION OR APPLICABILITY OF ANY PROVISION OF THIS COMPACT.

24 SECTION 7. THE EFFECTIVE DATE OF THIS COMPACT IS THE EARLIEST DATE
25 PERMITTED BY LAW.